

EXHIBIT C

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MIRIAM BAUZA,

Plaintiff,

- against -

Case No. 07 CIV. 6542

MEDIACOM COMMUNICATIONS CORPORATION,

Defendant.
-----X

March 17, 2008

2:05 p.m.

Deposition of JUDY MILLS, a witness on behalf of
the Defendant herein, taken pursuant to Notice,
and held at the offices of Bonnist & Cutro, 800
Westchester Avenue, Suite S332, Rye Brook, New
York, before April Pearl Schirm, a Court Reporter
and Notary Public of the State of New York.



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1 JUDY MILLS

2 A. Correct.

3 Q. Did you type this document up
4 yourself?

5 A. Yes, I did.

6 Q. After reviewing this document, any
7 other inconsistencies that you noticed?

8 A. No.

9 Q. And on the second paragraph of this
10 memorandum, which is Plaintiff's Number 8, it
11 begins: On November 13th, it was learned, while
12 on a leave of absence, Ms. Bauza may have
13 collected the disability payments. So the 13th is
14 the date that Ms. Burgos came to you with that
15 information?

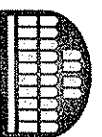
16 A. Yes.

17 Q. It also mentions here that copies of
18 endorsed checks you received on the 14th. Where
19 did you receive those checks from?

20 A. They would have probably come from
21 Aetna, I believe.

22 Q. How would Aetna provide those checks
23 to you?

24 A. I'm not sure I understand your
25 question.



1 JUDY MILLS

2 Q. Okay. In the normal course, is it
3 that Aetna sends these checks back to you and
4 Mediacom has a file for those checks, or do you
5 request Aetna to send you these checks?

6 A. We requested them.

7 Q. Who did you request from Aetna to send
8 you those checks?

9 A. I don't know if it was Steven Rubin or
10 somebody contacted Aetna directly, but it was
11 probably Steven Rubin.

12 Q. So your testimony before about who you
13 spoke to at Aetna or anyone else still applies,
14 when you had that conversation with Mr. Rubin on
15 the 13th, after that you received some checks back
16 the next day from Aetna?

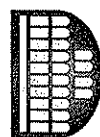
17 A. Yes.

18 Q. So you are assuming at some point
19 someone besides you made a request of Aetna for
20 this and you got that information?

21 A. I probably asked Steven Rubin during
22 our meeting on the 13th to get me proof. I didn't
23 want to believe this.

24 Q. Right.

25 A. Okay.



1 JUDY MILLS

2 Q. Did you -- what did you believe of the
3 veracity of Ms. Bauza's statement, that she called
4 someone at Aetna and they told her that they
5 calculated it correctly?

6 MR. RIOLO: Objection. When?

7 Q. When she first told you at the
8 November 15 meeting.

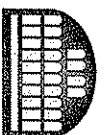
9 A. At that time, I was believing her. I
10 was hoping. Nobody wanted -- everybody liked
11 Miriam. We were hoping that we would be able to
12 get this cleared up.

13 Q. When Ms. Bauza wasn't able to clarify
14 it, did you change your position regarding the
15 veracity of her statement that she called someone

16 at Aetna, and they told her that they calculated
17 the benefits correctly?

18 A. I can't say that we -- I would say
19 that we questioned whether or not we had all of
20 the information from her. I shouldn't say whether
21 we had all the information. But we questioned
22 what she was telling us at that point.

23 Q. After that meeting on November 15th, I
24 believe you testified that there was another
25 meeting with Ms. Commisso-Weinand and Mr. Gillert



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2 regarding Ms. Bauza's termination?

3 A. Yes.

4 Q. Between November 15th and that
5 meeting, the information you had received was that
6 Plaintiff's Exhibit Number 7, which is the
7 email --

8 A. Correct.

9 Q. -- concerning Mr. Rubin's report on
10 the situation?

11 A. Yes.

12 Q. And the input you got from Ms. Bauza
13 after the 15th meeting, November 15th meeting?

14 A. Yes.

15 Q. Anything else did you utilize at that

16 meeting to decide whether or not to terminate Ms.
17 Bauza?

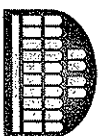
18 A. No.

19 MR. RIOLO: Other than the
20 earlier stuff too?

21 MR. CUTRO: Yes.

22 A. No.

23 Q. What happened at that meeting? Do you
24 know the date of that meeting you had with
25 Mr. Gillert and Ms. Weinand?



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provide you regarding her claim that she called
Aetna?

A. When did she get back to me?

Q. Yes.

A. I don't recall.

Q. Was it prior to the 21st or after the
21st of November?

A. I don't know.

Q. Was it prior to the meeting you had
with Ms. Weinand and Mr. Gillert?

A. Yes.

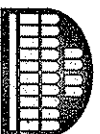
Q. What happened at that meeting where
you ultimately decided -- when a decision was made
to terminate Ms. Bauza? What happened then?

A. We just talked about the situation.
We talked about the fact that Miriam was in a
position of trust. And that given the
circumstances, we believe that we needed to
terminate her employment. We could not continue
her employment.

Q. How long did that meeting take?

A. I don't know. I mean, I don't think
it was more than a half an hour or so.

Q. When you say given the circumstances,



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2 what were the circumstances?

3 A. That she received the overpayment,
4 that she knew that it was incorrect and that she
5 never brought it to our attention. Those were the
6 circumstances.

7 Q. At that meeting, was it ever discussed
8 whether there were similar fact patterns that had
9 arisen with other employees and what discipline
10 was used in those types of situations?

11 A. No.

12 Q. Who had the ultimate authority to make
13 the decision to terminate Ms. Bauza at that
14 meeting?

15 A. The ultimate authority would have been

16 Italia Comisso-Weinand and Mark Stefan.

17 Q. Did you make a recommendation at that
18 meeting as to how to handle Ms. Bauza, or did you
19 present the facts or both?

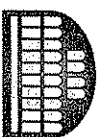
20 A. I made a recommendation, yes.

21 Q. What was your recommendation?

22 A. My recommendation was termination.

23 Q. Now, was the fact that Ms. Bauza was
24 out on disability leave discussed at that meeting?

25 A. No.



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2 Q. In making the recommendation to
3 terminate Ms. Bauza, did you consider that
4 treatment that Ms. Bauza was undergoing while she
5 was out on leave in regards to impacting her
6 mental capacity and her ability to -- general, you
7 know, physical well being?

8 MR. RIOLO: Objection.

9 THE WITNESS: Can I answer?

10 Q. Yes.

11 A. It was clear because she had already
12 said that she knew it was an overpayment, okay,
13 that she already knew that. It wasn't something
14 that she claimed she did not know. Okay. I would
15 have to say that her -- I didn't have to consider

16 that because she had already said that she knew
17 that there was an overpayment.

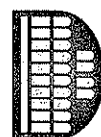
18 Q. Understood.

19 A. Okay.

20 Q. You know, the memo -- your
21 recollection is that she did acknowledge these
22 payments?

23 A. Yes.

24 Q. Because she did call Aetna to question
25 it, but in Ms. Bauza's ability to call Mediacom



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immediately and try to resolve this issue, did you take into consideration the fact that she had just undergone surgery and was under several medications that may have impacted her ability to respond properly to this situation to Mediacom?

MR. RIOLO: Objection.

A. I didn't because she had said that she was going to call Joe. So she had already come to that conclusion that she was going to call him. But she decided to wait until she returned. So I never had to take that into consideration.

Q. Okay.

A. Okay.

Q. Did you ever ask Mr. Rubin to have

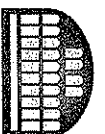
Aetna get any phone logs from conversations that it had with Ms. Bauza?

A. I don't know if I specifically asked him to do that.

Q. Did you have any knowledge about whether Aetna recorded phone calls that were made to it?

A. I have -- sorry. Finish your question.

Q. Did you ever have any knowledge about



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2 whether Aetna recorded phone calls by its customer
3 to it regarding questions?

4 A. No. Specifically, no.

5 Q. Okay. In general?

6 A. In general, I had a hunch that they
7 probably did, but I cannot speak for them.

8 Q. Did you ever ask Mr. Rubin to inquire
9 of Aetna whether they made a recording?

10 A. No, I did not. I didn't ask
11 specifically for something like that.

12 Q. Okay. That meeting that you had with
13 Ms. Weinand and it was Mr. Gillert, right?

14 A. Uh-huh.

15 Q. And yourself, did you discuss the

16 Bauza matter at all prior to the final termination
17 meeting with her with anyone else?

18 A. I would guess that we probably did
19 have some discussion.

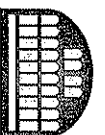
20 Q. Who would we be?

21 A. Paul Gillert and Italia and I.

22 Q. But the final decision was made at
23 that meeting?

24 A. Yes.

25 Q. Was there any discussion of any other



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type of discipline short of termination to invoke
in this situation?

A. I don't recall any other, any other
discussion of any other disciplinary action.

Q. Did the company review anything else
in Ms. Bauza's personnel file in regards to making
the decision to terminate her?

A. No.

Q. Performance had nothing to do with it?

A. No.

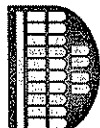
Q. At that meeting you had on the 15th
with Ms. Burgos, Mr. Michulski and Ms. Bauza, did
Ms. Bauza ever tell you during that meeting that
she never collected disability benefits before?

A. She may have. She may have.

Q. And you did know at that meeting that
Ms. Bauza's responsibilities in her everyday job
were not in the area of disability benefits,
correct?

A. Ms. Bauza has a background in
benefits. She administered similar benefits in
the past. And she knew about the 66 and two
thirds.

Q. But that was not part of her job



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happy with how Regina had dealt with a doctor's appointment. Maybe it was the chemo. And I told Miriam to go talk with Brian Walsh if she had a concern.

Q. Did Ms. Bauza talk to Mr. Walsh?

A. As far as I know she did, yes.

Q. When was that that she raised that issue to you?

A. I honestly don't remember.

Q. Prior to this issue being raised with the Aetna overpayment, right?

A. Oh, absolutely, it was prior to that.

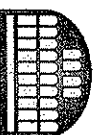
Q. After she returned from disability leave?

A. Yeah.

Q. Did you ever investigate further regarding the allegations that Ms. Burgos had made that statement about Ms. Bauza abusing company time by going to chemotherapy?

MR. RIOLO: Objection.

A. I don't believe that that's how it was presented to me. I believe that it was more, I came into work for an hour and a half and I had to leave for an appointment. And Regina questioned



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2 the reason why she came into work. I don't think
3 that it had -- there was a discussion that it was
4 because she was going to chemotherapy. And that
5 is when I told Miriam to go talk with Brian Walsh,
6 who would have been Regina's supervisor.

7 Q. Could Ms. Bauza have phrased it as I
8 asked it?

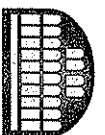
9 A. I can't say how she would phrase it.
10 I mean, I'm not there. I wasn't there, so I can't
11 say.

12 Q. I mean, Ms. Bauza's -- one of the
13 allegations in this lawsuit is that Ms. Bauza
14 claims that she had told you that Ms. Burgos said
15 that Ms. Bauza was abusing company time by her

16 going to chemotherapy. Could she have used those
17 words, that phrasing with you and you don't
18 recall?

19 A. I don't believe that that is how it
20 was presented to me.

21 Q. When you were at that meeting with Ms.
22 Bauza and others on November 15th, did Ms. Bauza
23 ask you whether this issue of an overpayment had
24 been raised before with other employees, in
25 regards to Aetna's payment of disability benefits?



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2 Q. Mr. Michulski testified earlier today,
3 and he believed that when he was responsible for
4 reviewing the payouts made by Aetna for disability
5 payments to Mediacom employees that he had come
6 across two other employees that were paid an
7 overpayment in error by Aetna.

8 A. Okay.

9 Q. Are you aware of that?

10 A. I'm aware of a couple of other
11 overpayments since Miriam, yes.

12 Q. Were these after Miriam?

13 A. After Miriam.

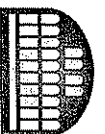
14 Q. And these were by Aetna?

15 A. Yes.

16 Q. What were the facts surrounding those
17 cases?

18 A. They were of minimal amounts. They
19 were -- I don't have all of the facts. I mean,
20 they were not people in positions that would cause
21 me to have to look into it or to react, I should
22 say, the way that we did or the way that we looked
23 at it with Miriam. The amounts were certainly not
24 up to \$4,000.

25 Q. Correct me if I'm wrong, in Ms.



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2 Bauza's case, whether the amount was \$4,000 or
3 \$.40, according to your testimony, it was wasn't
4 the amount, it was her position and
5 responsibility?

6 A. \$.40 --

7 MR. RIOLO: Objection. Go ahead.

8 A. \$.40 would not have been noticeable at
9 all. This was something that stood out, and it
10 was impossible for somebody not to notice it.

11 Q. Okay. Now, these two other incidents,
12 how much were the amounts?

13 A. I don't know.

14 Q. You don't know whether they were
15 minimal or not?

16 A. I know that they were minimal. I know
17 that they were nowhere near \$4,000.

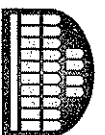
18 Q. What were they near?

19 A. I honestly don't know the number.

20 Q. How did those incidents come to your
21 attention, the other two overpayments by Aetna?

22 A. Probably because we were doing -- we
23 were reviewing things more closely at this point.
24 We wanted to know if we had a problem.

25 Q. Mr. Michulski testified he noticed



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2 these errors and brought them to someone's
3 attention.

4 A. Okay.

5 Q. No disciplinary action was taken
6 against those two employees that Aetna made
7 overpayments to; is that correct?

8 A. I don't know of any disciplinary
9 action, no.

10 Q. What time period did these other two
11 overpayments occur?

12 A. I don't know.

13 Q. After --

14 A. I have no idea.

15 Q. After Ms. Bauza was terminated, after

16 November '06?

17 A. That is when I learned of them, yes.

18 Q. Do you know if they were from
19 incidents prior to November '06?

20 A. I don't recall.

21 Q. When do you recall learning about
22 them; around November '06?

23 A. Probably later than November '06.

24 Q. After Ms. Bauza was terminated?

25 A. Yeah.



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Q. Did you advise Ms. Burgos to sit down?

A. Sure.

Q. Did you take any other action at HR regarding that issue that Ms. Burgos brought to your attention?

A. There was no need at that point to take any action.

Q. Isn't it true that part of Ms. Burgos' concern was Ms. Falto was putting in to get paid for overtime for hours she may not have actually worked?

A. I don't know that to be a fact. I don't know.

Q. If that was a fact -- let me step back for a minute.

If an employee puts in to get paid for time that they didn't work, whether it be overtime or something else, as an HR person --

A. I would be very concerned about that.

Q. That is called theft of time, right?

A. Yes. I would be very concerned about that.

Q. If you were advised by an employee of Mediacom that another employee may have been

